

1 THE HONORABLE REBECCA L. PENNELL
2

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12 Randy Flyckt, Eric Eisinger, Robert Sealby,
13 Mark Nichols, Ryan Jurvakainen, Sean Lewis,
14 Michael Golden, Shawn Sant, Norma Tillotson,
15 Gregory Banks, Gregory Zempel, David Quesnel,
16 Jonathan Meyer, Michael Dorcy, Albert Lin,
17 Michael Rothman, Dolly Hunt, Mary Robnett,
18 Amy Vira, Jason Cummings, Jon Tunheim,
19 Dan Bigelow, Gabe Acosta, and Eric Richey

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE**

ORTHODOX CHURCH IN
AMERICA,
et al.,

Plaintiffs,

v.

ROBERT FERGUSON, in his official
capacity as Governor of Washington, *et
al.*,

Defendants.

No. 2:25-cv-00209-RLP

**STIPULATED MOTION TO
STAY PROCEEDINGS AND
ENTER PRELIMINARY
INJUNCTION AS TO COUNTY
PROSECUTOR DEFENDANTS
AND
[PROPOSED] ORDER**

NOTING DATE: July 25, 2025
Without oral argument

STIPULATED MOTION
(No. 2:25-cv-00209-RLP)

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1
2 Plaintiffs Orthodox Church in America, Antiochian Orthodox Christian
3 Archdiocese of North America, Romanian Orthodox Metropolia of the Americas,
4 Western American Diocese of the Russian Orthodox Church Outside of Russia,
5 and Timothy Wilkinson (“Plaintiffs”) and Defendants Leesa Manion, Larry
6 Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric Eisinger, Robert Sealby,
7 Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen, Sean Lewis,¹ Michael
8 Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma Tillotson, Gregory
9 Banks, James Kennedy, Chad Enright, Gregory Zempel, David Quesnel, Jonathan
10 Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael Rothman, Dolly Hunt,
11 Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason Cummings, Erika
12 George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy
13 (the “Stipulating Defendants”) jointly move the Court to stay all proceedings in
14 this case with respect to the Stipulating Defendants pending a final judgment in
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22 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), Sean Lewis, the Interim
23 Douglas County Prosecuting Attorney, is substituted in place of the Honorable
24 Gordon Edgar, who retired as Douglas County Prosecuting Attorney effective June
25 30, 2025. See Dkt. #150.

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1 this case, subject to the Stipulating Defendants' agreement to be bound by the
2 terms of this Stipulation and Proposed Order, including Exhibit A attached thereto.
3

4 On June 16, 2025, Plaintiffs filed a Complaint (Dkt. #1) against the
5 Stipulating Defendants and others, including Robert W. Ferguson, in his official
6 capacity as Governor of Washington and Nicholas W. Brown, in his official
7 capacity as Attorney General of Washington. The Complaint alleges that Section
8 26.44.030(1)(b) of the Revised Code of Washington (RCW), as amended by
9 Senate Bill 5375, violates the First and Fourteenth Amendments to the U.S.
10 Constitution. None of the defendants named in the lawsuit have yet answered or
11 otherwise responded to the Complaint.

12 On June 20, 2025, Plaintiffs filed a Motion for Preliminary Injunction
13 (“Motion”) against all defendants (Dkt. #20) seeking to preliminarily enjoin them
14 from enforcing or attempting to enforce RCW § 26.44.030, as amended by Senate
15 Bill 5375, as applied to information learned by Orthodox priests solely through the
16 Sacrament of Confession. Four defendants have filed responses to the Motion.
17

18 See Dkt. #135; Dkt. #147; Dkt. #149.

19 The Stipulating Defendants seek to avoid the cost and burdens of this
20 litigation and have agreed not to oppose, either during this litigation or on appeal,
21 Plaintiffs' requests for injunctive relief against them. The Stipulating Defendants
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1 and Plaintiffs have further agreed that, to allow for the Plaintiffs to pursue their
2 claims against the remaining defendants, the Plaintiffs' claims against the
3 Stipulating Defendants will be stayed in their entirety until the Court's entry of a
4 final judgment in this lawsuit, thus precluding the Stipulating Defendants from (i)
5 responding to the Complaint, (ii) participating in motions practice, and (iii)
6 propounding (or being subject to) discovery. In exchange for Plaintiffs' agreement
7 to stay the lawsuit against them, the Stipulating Defendants stipulate to the Court's
8 entry of the Plaintiffs' proposed preliminary injunction against them (Dkt. #20-1),
9 pending the Court's final judgment, including during the pendency of any potential
10 interlocutory appeal. The Stipulating Defendants have further agreed to consent to
11 the Court's final judgment as to the remaining defendants and not to appeal any
12 such judgment.

In consideration of these mutual agreements, Plaintiffs have agreed not to seek attorneys' fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court's final judgment. The Stipulating Defendants have likewise agreed to waive any claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final judgment.

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27 STIPULATED MOTION
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1 IT IS SO STIPULATED by and between the Parties.
2
3

* * *

4 DATED: July 24, 2025
5

6 */s/ Anna K. Aruiza*

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6 */s/ Katherine Anderson*

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35 STIPULATED MOTION
36 (No. 2:25-cv-00209-RLP)

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59 *Counsel for Plaintiffs*

60 **Admitted Pro Hac Vice*

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10 /s/ Geoffrey A. Enns

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20 Ryan Jurvakainen, Sean Lewis,
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1 [PROPOSED] ORDER
2

3 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.
4

5 This matter is before the Court on the Stipulated Motion to Stay Proceedings
6 and Enter Preliminary Injunction as to County Prosecutor Defendants (“Motion”).
7

8 Defendants Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt
9 Liedkie, Eric Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack,
10 Ryan Jurvakainen, Sean Lewis, Michael Golden, Shawn Sant, Mathew Newberg,
11 Kevin McRae, Norma Tillotson, Gregory Banks, James Kennedy, Chad Enright,
12 Gregory Zempel, David Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy,
13 Albert Lin, Michael Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich
14 Weyrich, Adam Kick, Jason Cummings, Erika George, Jon Tunheim, Dan
15 Bigelow, Gabe Acosta, Eric Richey, and Denis Tracy (the “Stipulating
16 Defendants”) have agreed, in exchange for Plaintiffs’ agreement to stay the lawsuit
17 against them, to stipulate to the Court’s entry of the Plaintiffs’ proposed
18 preliminary injunction (Dkt. #20-1) pending the Court’s final judgment in this
19 case, including during the pendency of any potential interlocutory appeal. The
20 Stipulating Defendants have further agreed to consent to the Court’s final judgment
21 against the remaining defendants and not to appeal any such judgment. In
22 consideration of these mutual agreements, Plaintiffs have agreed not to seek
23

24 [PROPOSED] ORDER GRANTING
25 STIPULATED MOTION

26
27 (No. 2:25-cv-00209-RLP)
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1 attorneys' fees and/or costs from the Stipulating Defendants at the conclusion of
2 this matter and regardless of the Court's final judgment. The Stipulating
3 Defendants have likewise agreed to waive any claim for attorneys' fees and/or
4 costs from the Plaintiffs, regardless of the Court's final judgment.

5 Having reviewed the Motion, the docket and all related material, and good
6 cause appearing therefrom, the Court hereby ORDERS as follows:

- 7 1. The Stipulating Defendants are hereby subject to and bound by Exhibit A to
8 this Order.
- 9 2. Plaintiffs' action against the Stipulating Defendants shall be STAYED until
10 the entry of a final judgment in this matter as to all other defendants. During
11 the pendency of the stay, the Stipulating Defendants' deadline to respond to
12 the Complaint and all other case deadlines applicable to the Stipulating
13 Defendants shall be STRICKEN.
- 14 3. The Stipulating Defendants will not appeal any interlocutory ruling in this
15 matter, including but not limited to the Court's ruling on Plaintiffs' Motion
16 for Preliminary Injunction (Dkt. #20).
- 17 4. The Stipulating Defendants will consent to the Court's final judgment
18 against the remaining defendants and will not appeal any such judgment.

19 [PROPOSED] ORDER GRANTING
20 STIPULATED MOTION
21
22 (No. 2:25-cv-00209-RLP)

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5. In consideration of these mutual agreements, Plaintiffs will not seek attorneys' fees and/or costs from the Stipulating Defendants at the conclusion of this matter and regardless of the Court's final judgment. The Stipulating Defendants likewise waive any claim for attorneys' fees and/or costs from the Plaintiffs, regardless of the Court's final judgment.

IT IS SO ORDERED.

HONORABLE REBECCA L. PENNELL
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ Katherine Anders

Katherine Anderson

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ALLIANCE DEFENDING FREEDOM

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[PROPOSED] ORDER GRANTING
STIPULATED MOTION

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1 EXHIBIT A

2 Pursuant to the Stipulated Motion of Plaintiffs Orthodox Church in America,
3 Antiochian Orthodox Christian Archdiocese of North America, Romanian Orthodox
4 Metropolia of the Americas, Western American Diocese of the Russian Orthodox
5 Church Outside of Russia, and Timothy Wilkinson (“Plaintiffs”) and Defendants
6 Leesa Manion, Larry Haskell, Joseph Brusic, Randy Flyckt, Curt Liedkie, Eric
7 Eisinger, Robert Sealby, Mark Nichols, Tony Golik, Dale Slack, Ryan Jurvakainen,
8 Sean Lewis, Michael Golden, Shawn Sant, Mathew Newberg, Kevin McRae, Norma
9 Tillotson, Gregory Banks, James Kennedy, Chad Enright, Gregory Zempel, David
10 Quesnel, Jonathan Meyer, Ty Albertson, Michael Dorcy, Albert Lin, Michael
11 Rothman, Dolly Hunt, Mary Robnett, Amy Vira, Rich Weyrich, Adam Kick, Jason
12 Cummings, Erika George, Jon Tunheim, Dan Bigelow, Gabe Acosta, Eric Richey,
13 and Denis Tracy (the “Stipulating Defendants”), IT IS HEREBY ORDERED that
14 the Stipulating Defendants and their agents, servants, employees, and attorneys, and
15 other persons who are in active concert or participation with Stipulating Defendants,
16 their agents, servants, employees, and attorneys, are preliminarily enjoined, pursuant
17 to Federal Rule of Civil Procedure 65(a), from enforcing or attempting to enforce
18 RCW § 26.44.030, as amended by Senate Bill 5375, as applied to information
19 learned by Orthodox priests solely through the Sacrament of Confession.

20 [PROPOSED] ORDER GRANTING
21 STIPULATED MOTION

22 (No. 2:25-cv-00209-RLP)

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I declare under penalty of perjury under the laws of the State of Washington
and the United States of America that the foregoing is true and correct.

DATED this 24th day of July, 2025.

s/ Geoffrey A. Enns
GEOFFREY A. ENNS, WSBA #40682
Deputy Prosecuting Attorney

[PROPOSED] ORDER GRANTING
STIPULATED MOTION

(No. 2:25-cv-00209-RLP)

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